

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of

Stanka PERC et al.

Serial No.: 10/531,540

Filed: April 15, 2005

For: Pharmaceutical Formulation of Olanzapine

Examiner: Samira JM, Jean-Louis  
Group Art: 1627

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER  
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES**

SIR:

Applicants hereby appeal to the Board of Patent Appeals and Interferences from the decision dated January 28, 2010 of the Primary Examiner twice or finally rejecting claims 34-51.

The items checked below are appropriate:

1.  The time for response to the Office Action of January 28, 2010 expires on July 28, 2010.
2.  A \_-month extension of time for response to the Office Action dated \_ was filed on\_. [No additional extensions of time are required.]
- 3a.  Applicants hereby requests a one-month extension of the original shortened statutory response period set in the Office Action of January 28, 2010. With this extension, the deadline for filing the required paper will be May 28, 2010. The Commissioner is hereby authorized to charge the amount of \$130.00 for the government fee for the one-month extension of time to our Deposit Account No. 03-2412.
- 3b.  This is not the first request for an extension of time relative to the outstanding paper. The period for response has already been extended by -month(s) by petition dated .

Please extend the time for response by an additional -month(s). With this extension, the deadline for filing the required paper will be . Payment for the additional extension fee of \$ is enclosed.

4. [x] Payment of the appeal fee of \$540.00 and any other fee applicable  
[ ] is enclosed herewith.  
[ ] No additional fee is required (fee paid in prior appeal).  
[x] Charge the fee to Deposit Account No. 03-2412.
5. [x] Charge any additional fees required, for example, for lodging this appeal or for filing the Appeal Brief, not otherwise paid, to Deposit Account No. 03-2412.

Respectfully submitted,  
COHEN PONTANI LIEBERMAN & PAVANE LLP

By /Kent H. Cheng/  
Kent H. Cheng  
Reg. No. 33,849  
551 Fifth Avenue, Suite 1210  
New York, New York 10176  
(212) 687-2770

Dated: May 27, 2010